CHAPTER 252. HIGHWAYS

INTER-COUNTY HIGHWAYS, SUPER-HIGHWAYS, AND LIMITED ACCESS HIGHWAYS
Act 381 of 1925

AN ACT to authorize certain counties to combine for the purpose of planning systems of inter-county highways, super-highways and limited access highways; to define the terms “super-highways” and “limited access highways”; to authorize the establishment of inter-county highway commissions; to prescribe their powers and duties; to provide for the appropriation of funds therefor; and to empower counties to legislate with respect thereto.

History: 1925, Act 381, Eff. Aug. 27, 1925;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

The People of the State of Michigan enact:

252.1 Inter-county highways, super-highways, limited access highways; inter-county contract, renewal, term.

Sec. 1. Any 2 or more counties may by their boards of supervisors contract for the purpose of planning a system of inter-county highways, super-highways and limited access highways for such counties, and may bind themselves thereto by resolution adopted by a 2/3 vote of the board of supervisors of each county so combining, for a term of not to exceed 5 years; and when the term of any contract made hereunder shall have expired, such contract may be renewed from time to time for additional terms of not to exceed 5 years subject to the other provisions of this act.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4468;—CL 1948, 252.1;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.2 Inter-county, super and limited access highways; definitions.

Sec. 2. The term “super-highway” shall include any highway of a width ranging from 120 to 204 feet or more and in special instances of a width of not less than 106 feet and when established shall be deemed a public highway. The term “limited access highway” shall include such highways as are especially designed for through traffic, and over, from or to which owners or occupants of abutting land have no easement or right of light, air or access by reason of such abuttal. Super-highways or limited access highways may be parkways, with or without landscaped roadsides, from which trucks, buses and other commercial vehicles may be excluded; or they may be motorways open to use by all common forms of highway traffic.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4469;—CL 1948, 252.2;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.3 Inter-county highway commission; members.

Sec. 3. When any 2 or more adjoining counties combine under the terms of this act, they shall establish an inter-county highway commission which shall be composed of the state highway commissioner or his deputy, and 6 members from each of the counties participating, as follows: the 3 county road commissioners, the chairman of the county board of supervisors, and 2 members selected by the board of supervisors who shall be members thereof: Provided, however, That if a roads and bridges committee has been established by said county board of supervisors, the chairman of such committee shall be 1 of the 2 members thus selected: Provided further, That if a regional planning commission, created under the provisions of Act No. 281 of the Public Acts of 1945, as amended, being sections 125.11 to 125.23, inclusive, of the Compiled Laws of 1948, has been or shall be formed in any of the counties participating hereunder, the director of such regional planning commission shall be an ex officio member of the inter-county highway commission.

History: 1925, Act 381, Eff. Aug. 27, 1925;—Am. 1927, Act 255, Eff. Sept. 5, 1927;—CL 1929, 4470;—CL 1948, 252.3;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.4 Inter-county highway commission; plan, recording; plats, buildings, rules.

Sec. 4. It shall be the duty of said commission to prepare an inter-county highway plan for the participating counties and to designate thereon the proposed highways, their width, the counties through or into which they will run, and if these are existing highways, the additional right-of-way requirements therefor necessary to obtain the width desired. After such plan has been approved by the governing body of each incorporated city and village affected thereby, the commission shall record a copy thereof in the office of the register of deeds in each participating county. After the plan has been recorded as aforesaid, no plat of land in said district shall be accepted which is not in conformity with said plan. No structure shall be built on the land within the lines of any proposed highway except on a permit granted by said commission. The counties may in their contract provide rules and regulations governing the procedure of the said commission.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4471;—CL 1948, 252.4;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.5 Inter-county highway commission; expenses.

Sec. 5. Members of the commission shall receive actual expenses necessarily incurred in the performance of their duties.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4472;—CL 1948, 252.5;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.6 Inter-county highway commission; officers; employees; records; warrants; reports; depositories; interest; secured deposits; limitation on acceptable assets; "financial institution" defined.

Sec. 6. (1) Within the limits of the funds provided by participating counties, the commission shall name its officers from its membership, except as otherwise provided in this act, and shall appoint engineers, attorneys, officers, agents, and other employees as may be necessary to carry out its duties.

(2) The commission shall keep a record of its proceedings and designate 2 or more of its members to sign and countersign all warrants, drafts, checks, and orders for the payment of money.

(3) The commission shall make an annual report to each county in the district of money received and expended and shall designate a financial institution as the depository of its funds and arrange for interest on daily balances.

(4) Assets acceptable for pledging to secure deposits of commission funds are limited to any of the following:

(a) Assets considered acceptable to the state treasurer under section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state surplus funds.

(b) Any of the following:

(*i*) Securities issued by the federal home loan mortgage corporation.

(*ii*) Securities issued by the federal national mortgage association.

(*iii*) Securities issued by the government national mortgage association.

(c) Other securities considered acceptable to the commission and the financial institution.

(5) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4473;—CL 1948, 252.6;—Am. 1955, Act 195, Imd. Eff. June 17, 1955;—Am. 1997, Act 38, Imd. Eff. June 30, 1997.

252.7 Inter-county highway commission; treasurer, compensation, bond; moneys, payments on warrants and orders.

Sec. 7. The commission shall appoint the county treasurer of 1 of the participating counties in the district as the treasurer of said commission, for all funds of the commission. He shall serve without compensation for this service and shall under his bond be responsible for the safe keeping of said money, and shall pay out said money only on warrants and orders signed and countersigned as said commission under the terms hereof may determine.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4474;—CL 1948, 252.7;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.8 Inter-county highway fund; creation, disbursement.

Sec. 8. Each participating county shall pay annually into the treasury of said commission such sums as shall have been agreed upon under contract executed pursuant to section 1 hereof, and such additional sums as may from time to time be approved by a majority vote of the members elect of the board of supervisors of each county. The sums of money so received shall together constitute the inter-county highway fund which shall be disbursed as said commission may determine.

History: 1925, Act 381, Eff. Aug. 27, 1925;—Am. 1927, Act 255, Eff. Sept. 5, 1927;—CL 1929, 4475;—CL 1948, 252.8;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.9 Repealed. 1955, Act 195, Imd. Eff. June 17, 1955.

Compiler's note: The repealed section pertained to donations, dedications, purchase and condemnation of property and railroad right of way.

252.10 Inter-county highway contract; obligations.

Sec. 10. After contracting to participate for the purposes hereof, no act or happening shall excuse any county from its obligations hereunder.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4477;—CL 1948, 252.10;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.11 Inter-county highway; ordinances; rights-of-way.

Sec. 11. The board of supervisors of each county participating hereunder, shall have power to pass all ordinances which shall be necessary and proper for carrying into execution the foregoing powers, and may by ordinance regulate and control the rights-of-way established under any inter-county highway developed hereunder until such rights-of-way are acquired as provided by law.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4478;—CL 1948, 252.11;—Am. 1955, Act 195, Imd. Eff. June 17, 1955.

252.12 Jurisdiction retained by state highway department.

Sec. 12. Nothing herein shall be construed to take from the state highway department any jurisdiction that it may have over any state trunk line highway now or hereafter established.

History: 1925, Act 381, Eff. Aug. 27, 1925;—CL 1929, 4479;—CL 1948, 252.12.

LIMITED ACCESS HIGHWAYS
Act 205 of 1941

An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities.

History: 1941, Act 205, Eff. Jan. 10, 1942;—Am. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950;—Am. 1992, Act 243, Imd. Eff. Nov. 18, 1992.

The People of the State of Michigan enact:

252.51 Limited access highways; definition.

Sec. 1. For the purposes of this act, limited access highways are defined as highways specially designed for through traffic, and over, from or to which owners or occupants of abutting land have no easement or right of light, air or access by reason of such abuttal. Such highways may be parkways, with or without landscaped roadsides, from which trucks, buses and other commercial vehicles are excluded; or they may be motorways open to use by all common forms of highway traffic.

History: 1941, Act 205, Eff. Jan. 10, 1942;—CL 1948, 252.51.

252.52 Limited access highways; establishing, opening, discontinuing, vacating, closing, altering, improving, maintaining, and providing for public use; vending machines; other commercial enterprises prohibited; liability insurance; monitoring compliance; use of facilities for sale of articles for export; operation of customs brokering facilities; lease; distribution of travel-related information; disposition of revenue; electronic devices; logo signage; exit signs indicating hospital.

Sec. 2. (1) The state transportation department, a board of county road commissioners, or a city or village, acting alone or in cooperation with each other or with a federal, state, or local agency having authority to participate in the construction and maintenance of highways, may establish, open, discontinue, vacate, close, alter, improve, maintain, and provide for the public use of limited access highways, subject to section 1(i) of 1925 PA 352, MCL 213.171.

(2) The state transportation department shall allow only the installation of vending machines at selected sites on the limited access highway system to dispense food, drink, and other articles that the state transportation department determines appropriate. The state transportation department shall allow only the installation of vending machines at selected travel information centers. Following a 2-year trial period the state transportation department shall use its discretion with the advice of the commission for the blind to allow only vending machines at other locations on the limited access highway system. The vending machines shall be operated solely by the commission for the blind, which is designated as the state licensing agency under section 2(a)(5) of chapter 638, 49 Stat. 1559, 20 U.S.C. 107a. Except as otherwise provided in this section, no other commercial enterprise shall be authorized or conducted within or on property acquired for or designated as a limited access highway. The commission for the blind shall require evidence of liability insurance and monitor compliance as it pertains to only vending machines in the designated areas, holding harmless the state transportation department.

(3) In conjunction with the exemption granted by federal law from the restrictions contained in section 111 of title 23 of the United States Code, 23 U.S.C. 111, and described in the "manual on uniform traffic control devices for streets and highways", U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of facilities located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States.

(4) This section does not prohibit the use of facilities located in the vicinity of the international bridge in the city of Sault Ste. Marie for the sale of only those articles which are for export and consumption outside the United States to the extent that the use is not restricted by federal law.

(5) This section does not prohibit the operation of customs brokering facilities on state owned property available for that use at the sites of the blue water bridge in Port Huron and the international bridge in Sault Ste. Marie.

(6) The state transportation department may enter into a lease for facilities described in subsection (3), (4), or (5), the revenue from which shall be deposited in the state trunk line fund if attributable to the blue water bridge site or in the fund created under section 7 of 1954 PA 99, MCL 254.227, if attributable to the international bridge site.

(7) This section does not prohibit the use of facilities located at rest areas or welcome centers to distribute, either directly or through electronic technologies, free travel related information or assistance, or both, to the traveling public if the distribution is approved by the state transportation department.

(8) The state transportation department may enter into agreements for the activities described in subsection (7), the revenue from which shall be deposited in the state trunk line fund.

(9) The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a limited access highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures so long as the electronic devices and related structures are intended to assist in providing travel related information to motorists who subscribe to travel related information services, the public, or the state transportation department. All revenue generated by the agreements shall be deposited in the state trunk line fund. The state transportation department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

(10) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661.

(11) At the request of a hospital that provides 24-hour emergency care, the state transportation department shall place and maintain signs on all limited access highways that indicate exits that are within 2 miles of that hospital. The signs shall indicate the name of the hospital or the name of the nonprofit corporation that owns or operates the hospital and the exit number of the exit that is within the 2 miles of the hospital. At least 1 sign shall be placed for each exit that is within 2 miles of a requesting hospital that provides 24-hour emergency care. The cost of placing and maintaining the sign shall be paid by the hospital requesting the signs. The state transportation department shall adopt guidelines specifying the size, shape, design, number, and placement of the signs authorized under this subsection. The state transportation department shall not remove signs on limited access highways that exist on the effective date of the amendatory act that added this subsection and that indicate exits within 10 miles of a hospital that provides 24-hour emergency care but that do not otherwise satisfy the requirements of this subsection. As used in this subsection, "hospital" means a health facility that is licensed under part 215 of the public health code, 1978 PA 368, MCL 333.21501 to 333.21568.

History: 1941, Act 205, Eff. Jan. 10, 1942;—CL 1948, 252.52;—Am. 1952, Act 147, Eff. Sept. 18, 1952;—Am. 1957, Act 174, Eff. Sept. 27, 1957;—Am. 1984, Act 160, Imd. Eff. June 27, 1984;—Am. 1990, Act 97, Imd. Eff. June 6, 1990;—Am. 1992, Act 243, Imd. Eff. Nov. 18, 1992;—Am. 1994, Act 45, Imd. Eff. Mar. 23, 1994;—Am. 1995, Act 93, Imd. Eff. June 20, 1995;—Am. 1998, Act 223, Imd. Eff. July 1, 1998;—Am. 1999, Act 47, Imd. Eff. June 15, 1999;—Am. 2001, Act 47, Imd. Eff. July 23, 2001;—Am. 2002, Act 150, Imd. Eff. Apr. 8, 2002.

Compiler's note: For transfer of powers and duties of the commission for the blind from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

252.53 Authority to acquire property; purchase, gift, devise or condemnation.

Sec. 3. For the purposes of this act, the aforesaid agencies may acquire private property and property rights by purchase, gift, devise, or condemnation, and the provisions of any existing laws of this state shall apply. All property rights acquired under the provisions of this act shall be in fee simple or other appropriate estate.

History: 1941, Act 205, Eff. Jan. 10, 1942;—CL 1948, 252.53;—Am. 1952, Act 147, Eff. Sept. 18, 1952.

252.54 Limited access highways; authority to acquire entire lot, block or plat of land.

Sec. 4. Whenever it becomes necessary to acquire any real property for use in connection with the location, construction, reconstruction, improvement and maintenance of any limited access highway or section thereof, said agencies may in their discretion acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though said entire tract is not needed for right-of-way proper.

History: 1941, Act 205, Eff. Jan. 10, 1942;—CL 1948, 252.54.

252.55 Limited access highways; intersections; elimination; establishment in future prohibited.

Sec. 5. Any such agency shall have authority to provide for the elimination of intersections of limited access highways with existing state and county roads, city and village streets and private driveways, by grade separation, access or service road, or by closing off such roads, streets and driveways at the boundary line of such limited access highway, but only with the consent of the county, city or village; and after the establishment of any limited access highway, no road which is not part of said limited access highway system shall run into or intersect the same at grade.

History: 1941, Act 205, Eff. Jan. 10, 1942;—CL 1948, 252.55;—Am. 1952, Act 147, Eff. Sept. 18, 1952.

252.56 Limited access highways; plans for construction or improvement; estimate of cost, approval.

Sec. 6. Whenever the state highway commissioner and any county, city or village shall agree to acquire, construct, or improve any limited access highway or highways as defined by this act, the state highway commissioner shall procure plans and specifications for such project and an estimate of the cost thereof. The board of county road commissioners and the board of supervisors of the county and the legislative body of such city or village shall, by resolution, approve such plans, specifications and estimate of cost.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950.

Former law: See section 6 of Act 205 of 1941, which was repealed by Act 267 of 1945.

252.57 Limited access highways; contracts for construction or improvement; allocation of cost, approval.

Sec. 7. The state highway commissioner and any county, city or village, after approval of the plans and specifications and estimate of cost as aforesaid, may enter into a contract or contracts providing for the acquisition, construction or improvement of the limited access highways proposed, which contract or contracts shall provide for the allocation of the share of the cost thereof to be borne by each of said governmental units and provide for the payment of the share of the cost thereof to be borne by each such governmental unit in annual installments for a period of not exceeding 30 years. Such contract or contracts shall be executed by the state highway commissioner, after approval thereof by resolution of the state administrative board, and by the board of county road commissioners of each contracting county, subject to the approval of the board of supervisors, and by each city or village, pursuant to resolution of their respective legislative bodies.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950.

252.58 Limited access highways; contributions and pledges of funds; payment.

Sec. 8. For the purpose of carrying out the provisions of this act, and to enable limited access highways to be constructed, the state transportation commission is authorized to make annual contributions to the cost of construction of limited access highways as provided in this act, and to make an irrevocable pledge of funds of the state transportation department derived from taxes imposed upon gasoline or other motor fuels, and on motor vehicles registered in this state for the purpose of meeting its annual obligations under the contract or contracts. The annual contributions of the state transportation department for any such project shall be payable in manner designated by the contract or contracts over a fixed period of not exceeding 30 years.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950;—Am. 1952, Act 147, Eff. Sept. 18, 1952;—Am. 1953, Act 93, Eff. Oct. 2, 1953;—Am. 1955, Act 197, Eff. Oct. 14, 1955;—Am. 2002, Act 331, Imd. Eff. May 23, 2002.

252.59 Limited access highways; county, city, or village contributions, payment procedure.

Sec. 9. For the purpose of carrying out the provisions of this act, each county, city or village which is a party to a contract or contracts as herein authorized, for the construction of such limited access highways is authorized to make annual contributions to the cost thereof as hereinbefore provided, and to make an irrevocable pledge of funds received, and to be received, by each of said units from the state of Michigan derived from taxes imposed upon gasoline or other motor fuels, and on motor vehicles registered in the state for the purpose of meeting its annual obligations pursuant to said contract or contracts. The annual contributions of each county, city or village for any such project shall be payable in manner designated by the contract or contracts over a fixed period of not exceeding 30 years.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950.

252.60 Limited access highways; federal aid.

Sec. 10. Each governmental unit that is a party to any such contract or contracts for the construction of limited access highways is also authorized to make an additional irrevocable pledge for a fixed period of not exceeding 30 years, of any contributions or funds received, or to be received, from the federal government or

any of its agencies, or from any other source for or in aid of the project or combined projects provided for in said contract or contracts.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950.

252.61-252.63 Repealed. 2002, Act 331, Imd. Eff. May 23, 2002.

Compiler's note: The repealed sections pertained to issuance and registration of bonds for limited access highways and highway projects.

252.64 Scope of act.

Sec. 14. (1) This act, without reference to any other statute or to any charter, shall be considered full authority for the purposes provided in this act and shall be construed as an additional and alternative method for the financing of limited access highways, any provisions of the general laws of this state or of any charter to the contrary notwithstanding.

(2) A contract entered into under this act is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1950, Ex. Sess., Act 22, Imd. Eff. June 7, 1950;—Am. 1952, Act 147, Eff. Sept. 18, 1952;—Am. 2002, Act 331, Imd. Eff. May 23, 2002.

TURNPIKES
Act 176 of 1953

252.101-252.126 Repealed. 1962, Act 13, Imd. Eff. Mar. 19, 1962.

RELOCATION OF PERSONS DISPLACED BY HIGHWAY PROJECTS
Act 347 of 1966

AN ACT requiring the department of state highways to prepare plans relative to the displacement of persons due to highway construction; to delay the letting of construction contracts; and to require cooperation with political units of government in relocating such persons.

History: 1966, Act 347, Eff. July 1, 1967;—Am. 1967, Act 275, Imd. Eff. July 20, 1967.

The People of the State of Michigan enact:

252.131 Relocation of persons displaced by certain highway projects; costs.

Sec. 1. When the department of state highways acquires real property for the construction or relocation of an interstate or trunk line highway project in a city or incorporated village which will involve the displacement from their residences of families or individuals occupying 15 or more dwelling units, the state department of highways, with the cooperation of the governing body of the city or incorporated village shall submit to the state administrative board, for its approval, a written plan for the relocation of such families and individuals in suitable housing which is deemed to be housing that is not substandard as defined in Act No. 167 of the Public Acts of 1917, as amended, being sections 125.401 to 125.519 of the Compiled Laws of 1948 or, in cases where the local unit of government has established housing standards, suitable housing shall be defined to mean housing that is not substandard according to the minimum standards of building and health codes of the respective local units of government. The plan shall include an estimate of persons to be displaced by the project, and a summary of suitable housing reasonably expected to be available to house such persons to be displaced by construction or relocation of such highways. The chief executive officer of the city or incorporated village in which the highway is to be constructed, in consultation with existing community organizations in the area, shall establish a citizens advisory council that to the maximum feasible extent is representative of the persons who are to be displaced because of a highway construction project. The department of state highways shall consult with and cooperate with the citizens advisory council regarding the procedures involved in the acquisition of homes and businesses and in the relocation and displacement of residents and businesses in the area. In preparing the plan, the department of state highways shall cooperate with a local governmental agency designated by the governing body of the city or incorporated village and may contract with such local agency or governing body for the preparation of the plan. The costs incurred in preparing the plan shall be considered as part of the cost of construction of the project.

History: 1966, Act 347, Eff. July 1, 1967;—Am. 1967, Act 275, Imd. Eff. July 20, 1967.

252.132 Relocation of persons; hearings and approval by state administrative or hearing board.

Sec. 2. Upon request, the state administrative board or a hearing board of 3 of its members or their deputies designated by it, shall hear representatives of the department of state highways, of the city or incorporated village, of the neighborhood advisory council, and any person to be displaced by the project. Before approving the plan the state administrative board shall satisfy itself that the plan provides a feasible method for relocation of displaced families and individuals without undue hardship.

History: 1966, Act 347, Eff. July 1, 1967;—Am. 1967, Act 275, Imd. Eff. July 20, 1967.

252.133 Demolition of residential dwellings; certificate of relocation; failure to file, effect, procedure.

Sec. 3. Before the department of state highways evicts families or individuals from residential property or orders the demolition of a residential dwelling acquired for such highway purpose, it shall obtain a written certification that the occupants of such dwelling have relocated to suitable housing or have been offered suitable housing. Such certification shall be provided by the designated local governmental agency except that if the occupants have relocated to suitable housing outside the boundaries of the city or incorporated village or have been offered suitable housing outside of but in reasonable proximity to such boundaries, the certification shall be provided by the department of state highways. If the occupants relocate outside the boundaries of this state, or if after persons have been offered assistance in relocating to suitable housing but refuse or fail to accept assistance, certification of such facts by the department of state highways shall be sufficient.

If the governing body of the city or incorporated village does not supply such written certification within 30 days of a written request by the department of state highways, the department of state highways may file a petition with the state administrative board asking for a determination that the provisions of this section have been met. The determination of the state administrative board shall be reduced to writing and if it is that the

occupants of such dwelling have been relocated in suitable housing or that such occupants who refuse to relocate have been offered suitable housing in accordance with the provisions of this act then the determination of the state administrative board shall take the place of the certification required by this section.

History: 1966, Act 347, Eff. July 1, 1967;—Am. 1967, Act 275, Imd. Eff. July 20, 1967.

252.134 Construction contracts; letting; approval; administrative board resolutions.

Sec. 4. The department of state highways shall not let for bid any contract for the construction or relocation of any interstate or trunk line highway project until the provisions of sections 1 and 2 have been met. The state administrative board shall not approve any construction contracts, except utility relocation construction contracts, for such highways until it adopts a resolution finding that the provisions of sections 1 and 2 have been met. No construction work shall proceed on any parcel of land until the provisions of section 3 have been met with respect to tenants on such parcel of land.

History: 1966, Act 347, Eff. July 1, 1967;—Am. 1967, Act 275, Imd. Eff. July 20, 1967.

252.135 Effective date of act.

Sec. 5. This act shall become effective July 1, 1967.

History: 1966, Act 347, Eff. July 1, 1967.

RELOCATION ASSISTANCE FOR PERSONS DISPLACED BY ACQUISITION OF PROPERTY FOR HIGHWAYS
Act 31 of 1970

AN ACT to provide for relocation assistance and to authorize financial assistance payments to persons displaced by acquisition of property for highways.

History: 1970, Act 31, Imd. Eff. June 16, 1970.

The People of the State of Michigan enact:

252.141 Highways, displaced persons, relocation; federal funds.

Sec. 1. When federal funds are available for payment of direct financial assistance to persons displaced by acquisition of property for highways, the state highway commission may match the federal funds to the extent provided by federal law and provide such direct financial assistance in instances and on the conditions set forth by federal law and regulations.

History: 1970, Act 31, Imd. Eff. June 16, 1970.

252.142 State funds; limitations; rules.

Sec. 2. When federal funds are not available or used for payment of direct financial assistance to persons displaced by the acquisition of property for highways by the state highway commission, the commission may provide direct financial assistance to such persons. Financial assistance authorized by this section shall not exceed the total amount that would have been payable under section 1 if federal funds had been available or used. The commission may adopt rules to carry out the provisions of this section in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948.

History: 1970, Act 31, Imd. Eff. June 16, 1970.

Administrative rules: R 247.401 et seq. of the Michigan Administrative Code.

252.143 Assistance independent of condemnation.

Sec. 3. Relocation and financial assistance allowed under this act are independent of and in addition to compensation for land, buildings or property rights and shall not be the subject of consideration in condemnation proceedings.

History: 1970, Act 31, Imd. Eff. June 16, 1970.

ARBITRATION OF DISPUTES INVOLVING INTERSTATE HIGHWAY ROUTES
Act 12 of 1967 (Ex. Sess.)

AN ACT to provide for arbitration of disputes involving the determination of routes for interstate highways through municipalities and to authorize the acquisition of property therefor.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

The People of the State of Michigan enact:

252.151 Arbitration of interstate highway route locations; definitions.

Sec. 1. As used in this act:

(a) "Board" means the highway location arbitration board.

(b) "Department" means the department of state highways.

(c) "Commission" means the state highway commission or its designated representative.

(d) "Interstate highway" means a highway route on the interstate system as defined in and designated pursuant to Title 23 of the United States Code, prior to the effective date of this act.

(e) "Affected municipality" means a city or village in which a proposed interstate highway route or alternate route would wholly or partly lie.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.152 Review of highway location; arbitration; procedure; notice; voluntary arbitration.

Sec. 2. After review of proposed interstate highway routes, and following preliminary negotiations, when it shall be deemed necessary by the department to resolve disputes concerning the routes through 1 or more municipalities, to resort to final arbitration measures provided by this act, the commission shall send by registered mail to the clerk of each affected municipality notice of the interstate highway route location proposed by the department in the disputed matter and a notice that arbitration proceedings are initiated. Within 30 days thereafter, if the governing body of each affected municipality does not consent by resolution either to the approval of the location or to voluntary binding arbitration as provided in this section, the commission shall request in writing that a highway location arbitration board be authorized to make a final determination of the route. The governing body of any affected municipality which does not consent to the route location by resolution may agree with 1 or more other affected municipalities to voluntary binding arbitration on the issue of route location according to terms approved by the commission; in which case such municipalities shall no longer be considered affected municipalities within the terms of this act. The governor, on the date of the request, shall send notice of the request by registered mail to the clerk of each affected municipality as determined by the commission. The commission's request shall name all the affected municipalities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.153 Highway location arbitration board; members, qualification, appointment.

Sec. 3. A highway location arbitration board shall consist of 3 members to be appointed by agreement of all affected municipalities from a list of members of the national panel of arbitrators to be submitted to the governor by the American arbitration association. The governor shall include a copy of the list of such members with the notice of the request he sends to the clerk of each affected municipality. If the affected municipalities do not agree on the arbitrators within 30 days of the date of the request, the governor shall choose the arbitrators. It shall function in the executive office and by majority vote shall make the determinations authorized by this act.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.154 Highway location arbitration board; convening time; notice to affected municipalities.

Sec. 4. The governor shall forthwith set a time and place for convening the board not less than 25 nor more than 35 days from the date of the commission's request. The governor shall send notice by registered mail to the clerk of each affected municipality at least 14 days before the date set for convening the board.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.155 Highway location arbitration board; submission of maps by municipality, time; content; copies.

Sec. 5. Within 25 days of the date of the commission's request an affected municipality may submit maps

of 1 or more proposed locations showing the approximate right of way limits and any other information to the commission. The commission shall provide each member of the board a copy of such maps and information, as well as maps and information relative to all locations proposed by the department.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.156 Highway location arbitration board; duties; additional maps and information; approval of location, time; notice.

Sec. 6. The board shall convene at the time and place set by the governor and shall consider the submitted maps and information and shall hear representatives of the department and the affected municipalities and shall hear such other persons as are parties in interest. The department and the affected municipalities, may, and when so requested by the board shall, submit additional maps and information relative to any proposed location for consideration by the board. Within 60 days of the date it convenes, the board shall approve 1 of the locations. The approval is final and binding upon the department and the affected municipalities. The commission shall send notice of the approval by registered mail to the clerks of the affected municipalities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.157 Approval of board; consent to designation of route; acquisition of property.

Sec. 7. Approval by the board is deemed to be consent to designating the route as an interstate highway and, notwithstanding any provision to the contrary in any law, the department may forthwith proceed to acquire property, by condemnation or otherwise, deemed by the department to be necessary to provide for the completion and successful operation of the interstate highway and appurtenant facilities.

History: 1967, Ex. Sess., Act 12, Imd. Eff. Jan. 16, 1968.

252.158 Repealed. 1980, Act 180, Imd. Eff. July 2, 1980.

Compiler's note: The repealed section pertained to an appropriation for expenses of highway arbitration boards.

CONTROL OF JUNKYARDS ADJACENT TO HIGHWAYS
Act 219 of 1966

AN ACT to regulate junkyards and to provide penalties.

History: 1966, Act 219, Imd. Eff. July 11, 1966;—Am. 1972, Act 132, Eff. Jan. 1, 1973.

The People of the State of Michigan enact:

252.201 Definitions.

Sec. 1. As used in this act:

(a) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts of automobiles, iron, steel and other old or scrap ferrous or nonferrous material.

(b) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(c) "Junkyard" means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, including garbage dumps and sanitary fills.

(d) "Interstate highway" means a state trunk line highway on the national system of interstate and defense highways, as designated, or as may hereafter be so designated, by the department of state highways and approved by the United States secretary of transportation, pursuant to the provisions of title 23 of the United States code.

(e) "Primary highway" means a state trunk line highway as designated, or as may hereafter be so designated, by the state highway department, and approved by the United States secretary of transportation, pursuant to the provisions of title 23 of the United States code.

(f) "Secondary highway" means a state secondary road or county primary road.

History: 1966, Act 219, Imd. Eff. July 11, 1966;—Am. 1972, Act 132, Eff. Jan. 1, 1973.

252.202 Legislative declaration; nonconforming junkyard as public nuisance.

Sec. 2. In order to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands bordering public highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the state, and to provide a statutory basis for controlling junkyards consistent with the public policy declared by congress in title 23 of the United States code, it is declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to interstate, primary and secondary highways within this state. All junkyards which do not conform to the requirements of this act are public nuisances.

History: 1966, Act 219, Imd. Eff. July 11, 1966;—Am. 1972, Act 132, Eff. Jan. 1, 1973.

252.203 Junkyards prohibited within 1000 feet of highway; exceptions.

Sec. 3. After January 1, 1973 a person shall not establish, expand or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or primary or secondary highway, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway, or otherwise removed from sight, in accordance with rules of the department of state highways.

(b) Those located within areas which are zoned for industrial use under authority of law.

(c) Those which are not visible from the main-traveled way of an interstate primary or secondary highway.

History: 1966, Act 219, Imd. Eff. July 11, 1966;—Am. 1972, Act 132, Eff. Jan. 1, 1973.

Administrative rules: R 247.101 et seq. of the Michigan Administrative Code.

252.204 Screening or removal of nonconforming junkyards; removal cost.

Sec. 4. Any junkyard lawfully in existence on the effective date of this act which does not conform to the requirements for exception in section 3 and any other junkyard along any highway hereafter designated as an interstate or primary highway and which does not conform to the requirements for exception in section 3, shall be screened or removed by the state highway department as a cost of constructing state trunk line highways. Nonconforming junkyards existing on the effective date of this act shall be removed or screened by

July 1, 1970.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

252.204a Junkyards adjacent to secondary highway; screening or removal.

Sec. 4a. A junkyard which is lawfully in existence on the effective date of this act, which does not conform to subsections (a) or (b) of section 3 and is located along a secondary highway, shall be screened at a cost to the owner. However, screening of such a junkyard shall not be required in excess of an 8 foot fence. A junkyard which is established after the effective date of this act and is located along a secondary highway shall be adequately screened or removed in accordance with section 3 of this act at a cost to the owner.

History: Add. 1972, Act 132, Eff. Jan. 1, 1973.

252.205 Screening by state highway department; acquisition of land.

Sec. 5. Junkyards referred to in section 4 shall be screened, if feasible, by the state highway department at locations on the highway right of way or in areas acquired for screening purposes outside the right of way so as not to be visible from the main-traveled way of the highways. The state highway department may acquire such land, or interests in land, necessary to provide adequate screening of junkyards.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

252.206 Junkyards; relocation, removal or disposal; costs.

Sec. 6. If the state highway department determines that the topography of the land adjacent to the highway will not permit adequate screening of junkyards referred to in section 4 or that the screening of junkyards would not be economically feasible, the state highway department may acquire land or interests in land necessary to secure the relocation, removal or disposal of the junkyards; and to pay for the costs of relocation, removal or disposal.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

252.207 Construction or maintenance of junkyards; rules and regulations; standards.

Sec. 7. The state highway department is authorized to promulgate rules and regulations, in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, which shall govern the location, planting, construction and maintenance of, and the materials used in screening or fencing required by this act, and to promulgate rules and regulations for determining unzoned industrial areas for the purposes of this act, consistent with the national standards promulgated by the United States secretary of commerce pursuant to title 23 of the United States code. Regulations shall not be more restrictive than the national standards.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

Administrative rules: R 247.101 et seq. of the Michigan Administrative Code.

252.208 Injunction to compel conformance.

Sec. 8. If a junkyard is not established, expanded or maintained in conformity with the provisions of section 3, the department of state highways may apply to the court of proper jurisdiction for an injunction to compel conformity with this act.

History: 1966, Act 219, Imd. Eff. July 11, 1966;—Am. 1972, Act 132, Eff. Jan. 1, 1973.

252.209 Construction of act.

Sec. 9. Nothing in this act shall be construed to abrogate or affect the provisions of any law or ordinance which is more restrictive than the provisions of this act.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

252.210 Control of junkyards; agreement with United States secretary of commerce.

Sec. 10. The state highway department is authorized to enter into agreements with the United States secretary of commerce as provided by title 23 of the United States code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

252.211 Interests in land to be acquired; methods.

Sec. 11. The interests in land authorized to be acquired under this act may be the fee simple or any lesser estate, as determined by the state highway department to be reasonably necessary to accomplish the purposes

of this act. Acquisitions may be by gift, purchase, exchange or condemnation and shall be made in accordance with statutes governing acquisitions for highway purposes.

History: 1966, Act 219, Imd. Eff. July 11, 1966.

SCENIC AND REST AREAS; SIGNS
Act 333 of 1966

252.251-252.262 Repealed. 1972, Act 106, Imd. Eff. Mar. 31, 1972.

HIGHWAY ADVERTISING ACT OF 1972
Act 106 of 1972

AN ACT to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 464, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

252.301 Short title.

Sec. 1. This act shall be known and may be cited as the “highway advertising act of 1972”.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972.

252.302 Definitions.

Sec. 2. As used in this act:

(a) "Business area" means an adjacent area which is zoned under authority of state, county, township, or municipal zoning authority for industrial or commercial purposes, customarily referred to as "b" or business, "c" or commercial, "i" or industrial, "m" or manufacturing, and "s" or service, and all other similar classifications and which is within a city, village, or charter township or is within 1 mile of the corporate limits of a city, village, or charter township or is beyond 1 mile of the corporate limits of a city, village, or charter township and contains 1 or more permanent structures devoted to the industrial or commercial purposes described in this subdivision and which extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of a business area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities shall not be considered commercial or industrial:

(*i*) Agricultural, animal husbandry, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

(*ii*) Transient or temporary activities.

(*iii*) Activities not visible from the main-traveled way.

(*iv*) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for activities recited in subparagraph (*i*).

(*v*) Railroad tracks and minor sidings.

(*vi*) Outdoor advertising.

(*vii*) Activities more than 660 feet from the main-traveled way.

(*viii*) Activities that have not been in continuous operation of a business or commercial nature for at least 2 years.

(*ix*) Public utility facilities, whether regularly staffed or not.

(*x*) Structures associated with on-site outdoor recreational activities such as riding stables, golf course shops, and campground offices.

(*xi*) Activities conducted in a structure for which an occupancy permit has not been issued or which is not a fully enclosed building, having all necessary utility service and sanitary facilities required for its intended commercial or industrial use.

(*xii*) A storage facility for a business or other activity not located on the same property, except a storage building having at least 10 separate units that are available to be rented by the public.

(*xiii*) A temporary business solely established to qualify as commercial or industrial activity under this act.

(b) "Unzoned commercial or industrial area" means an area which is within an adjacent area, which is not zoned by state or local law, regulation or ordinance, which contains 1 or more permanent structures devoted to the industrial or commercial purposes described in subdivision (a), and which extends along the highway a

distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, an unzoned commercial or industrial area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of an unzoned commercial or industrial area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities shall not be considered commercial or industrial:

(*i*) Agricultural, animal husbandry, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(*ii*) Transient or temporary activities.

(*iii*) Activities not visible from the main-traveled way.

(*iv*) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for activities recited in subparagraph (*i*).

(*v*) Railroad tracks and minor sidings.

(*vi*) Outdoor advertising.

(*vii*) Activities more than 660 feet from the main-traveled way.

(*viii*) Activities that have not been in continuous operation of a business or commercial nature for at least 2 years.

(*ix*) Public utility facilities, whether regularly staffed or not.

(*x*) Structures associated with on-site outdoor recreational activities such as riding stables, golf course shops, and campground offices.

(*xi*) Activities conducted in a structure for which an occupancy permit has not been issued or which is not a fully enclosed building, having all necessary utility service and sanitary facilities required for its intended commercial or industrial use.

(*xii*) A storage facility for a business or other activity not located on the same property, except a storage building having at least 10 separate units that are available to be rented by the public.

(*xiii*) A temporary business solely established to qualify as commercial or industrial activity under this act.

(c) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(d) "Interstate highway" means a highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

(e) "Freeway" means a divided highway of not less than 2 lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor.

(f) "Primary highway" means a highway, other than an interstate highway or freeway, officially designated as a part of the primary system as defined in section 131 of title 23 of the United States Code, 23 USC 131, by the department and approved by the appropriate authority of the federal government.

(g) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. The traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way of a divided highway. It does not include facilities as frontage roads, turning roadways or parking areas.

(h) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing, whether placed individually or on a T-type, V-type, back to back or double-faced display, designed, intended or used to advertise or inform.

(i) "Sign structure" means the assembled components which make up an outdoor advertising display, including, but not limited to, uprights, supports, facings and trim. Such sign structure may contain 1 or 2 signs per facing and may be double-faced, back to back, T-type or V-type.

(j) "Visible" means a sign that has a message that is capable of being seen and read by a person of normal visual acuity when traveling in a motor vehicle.

(k) "Location" means a place where there is located a single, double-faced, back to back, T-type, or V-type sign structure.

(*l*) "Maintain" means to allow to exist and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.

(m) "Abandoned sign or sign structure" means a sign or sign structure subject to the provisions of this act, the owner of which has failed to secure a permit, has failed to identify the sign or sign structure or has failed to respond to notice.

(n) "Department" means the state transportation department.

(o) "Adjacent area" means the area measured from the nearest edge of the right of way of an interstate highway, freeway, or primary highway and extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line.

(p) "Person" means any individual, partnership, private association, or corporation, state, county, city, village, township, charter township, or other public or municipal association or corporation.

(q) "On-premises sign" means a sign advertising activities conducted or maintained on the property on which it is located. The boundary of the property shall be as determined by tax rolls, deed registrations, and apparent land use delineations. When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner or sign owner, it shall be considered the business of outdoor advertising and not an on-premises sign. Signs on narrow strips of land contiguous to the advertised activity, or signs on easements on adjacent property, when the purpose is clearly to circumvent the intent of this act, shall not be considered on-premises signs.

(r) "Billboard" means a sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Off-premises directional signs as permitted in this act shall not be considered billboards for the purposes of this section.

(s) "Secondary highway" means a state secondary road or county primary road.

(t) "Tobacco product" means any tobacco product sold to the general public and includes, but is not limited to, cigarettes, tobacco snuff, and chewing tobacco.

(u) "Religious organization sign" means a sign, not larger than 8 square feet, that gives notice of religious services.

(v) "Service club sign" means a sign, not larger than 8 square feet, that gives notice about nonprofit service clubs or charitable associations.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009.

252.303 Purpose.

Sec. 3. To improve and enhance scenic beauty consistent with section 131 of title 23 of the United States Code, 23 USC 131, and to limit and reduce the illegal possession and use of tobacco by minors, the legislature finds it appropriate to regulate and control outdoor advertising and outdoor advertising as it pertains to tobacco adjacent to the streets, roads, highways, and freeways within this state and that outdoor advertising is a legitimate accessory commercial use of private property, is an integral part of the marketing function and an established segment of the economy of this state.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 464, Eff. Mar. 23, 1999;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.304 Size, lighting, and spacing of signs and sign structures; regulation and control; exceptions.

Sec. 4. This act regulates and controls the size, lighting, and spacing of signs and sign structures in adjacent areas and occupies the whole field of that regulation and control except for the following:

(a) A county, city, village, township, or charter township may enact ordinances to regulate and control the size, lighting, and spacing of signs and sign structures but shall not permit a sign or sign structure that is otherwise prohibited by this act or require or cause the removal of lawfully erected signs or sign structures subject to this act without the payment of just compensation. A sign owner shall apply for an annual permit pursuant to section 6 for each sign to be maintained or to be erected within that county, city, village, charter township, or township. A sign erected or maintained within that county, city, village, township, or charter township shall also comply with all applicable provisions of this act.

(b) A county, city, village, charter township, or township vested by law with authority to enact zoning codes has full authority under its own zoning codes or ordinances to establish commercial or industrial areas and the actions of a county, city, village, charter township, or township in so doing shall be accepted for the purposes of this act. However, except as provided in subdivision (a), zoning which is not part of a comprehensive zoning plan and is taken primarily to permit outdoor advertising structures shall not be accepted for purposes of this act. A zone in which limited commercial or industrial activities are permitted as incidental to other primary land uses is not a commercial or industrial zone for outdoor advertising control

purposes.

(c) An ordinance or code of a city, village, township, or charter township that existed on March 31, 1972 and that prohibits signs or sign structures is not made void by this act.

(d) A county ordinance that regulates and controls the size, lighting, and spacing of signs and sign structures shall only apply in a township within the county if the township has not enacted an ordinance to regulate and control the size, lighting, and spacing of signs and sign structures.

(e) A county, on its own initiative or at the request of a city, village, township, or charter township within that county, may prepare a model ordinance as described in subdivision (a). A city, village, township, or charter township within that county may adopt the model ordinance.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1980, Act 36, Imd. Eff. Mar. 12, 1980;—Am. 1990, Act 153, Eff. Oct. 1, 1990;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2008, Act 93, Imd. Eff. Apr. 8, 2008.

Compiler's note: Section 2 of Act 153 of 1990 provides: "This amendatory act shall take effect October 1, 1990."

252.305 Signs subject to act.

Sec. 5. A person shall not engage or continue to engage in outdoor advertising through the erection, use or maintenance of any signs in an adjacent area where the facing of the sign is visible from an interstate highway, freeway, or primary highway, except as provided in this act. A sign having a facing visible from more than 1 state highway or other public road shall comply with the requirements for outdoor advertising for each state highway and each public road from which it is visible.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999.

252.306 Permit; application; contents of form.

Sec. 6. A sign owner shall apply for an annual permit on a form prescribed by the department for each sign to be maintained or to be erected in an adjacent area where the facing of the sign is visible from an interstate highway, freeway, or primary highway. A sign owner shall apply for a separate sign permit for each sign for each highway subject to this act from which the facing of the sign is visible. The owner shall apply for the permit for such signs which become subject to the permit requirements of this act because of a change in highway designation or other reason not within the control of the sign owner within 2 months after the sign becomes subject to the permit requirements of this act. The form shall require the name and business address of the applicant, the name and address of the owner of the property on which the sign is to be located, the date the sign, if currently maintained, was erected, the zoning classification of the property, a precise description of where the sign is or will be situated and a certification that the sign is not prohibited by section 18(a), (b), (c), or (d) and that the sign does not violate any provisions of this act. The sign permit application shall include a statement signed by the owner of the land on which the sign is to be placed, acknowledging that no trees or shrubs in the adjacent highway right-of-way may be removed, trimmed, or in any way damaged or destroyed without the written authorization of the department. The department may require documentation to verify the zoning, the consent of the land owner, and any other matter considered essential to the evaluation of the compliance with this act.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.307 Permit; fees; expiration; renewal; exception; effect of nonpayment; excess amount to be credited against future renewal fees; transfer fee.

Sec. 7. (1) A permit fee is payable annually in advance, to be credited to the state trunk line fund. The fee is $100.00 for the first year except that signs in existence prior to a highway's change in designation or jurisdiction which would require signs to be permitted shall only be required to pay the permit renewal amount as provided in subsection (2). The department shall establish an annual expiration date for each permit and may change the expiration date of existing permits to spread the permit renewal activity over the year. Permit fees may be prorated the first year. An application for the renewal of a permit shall be filed with the department at least 30 days before the expiration date.

(2) For signs up to and including 300 square feet, the annual permit renewal fee is $50.00. For signs greater than 300 square feet, the annual permit renewal fee is $80.00. Signs of the service club and religious category are not subject to an annual renewal fee.

(3) The annual renewal fee for each permit shall increase by an additional $20.00 if the fee is not paid at least 30 days before the expiration date of the permit. If the annual renewal fee is not paid as required under this section, the department shall send notice of nonpayment by certified mail to the permit holder's address on file not more than 30 days after the permit expiration date. If the annual renewal fee for any permit is not paid within 60 days after the permit expiration date, the department may cancel the permit without taking further administrative action unless an administrative hearing is requested by the permit holder within 60 days

of the permit expiration date.

(4) Notwithstanding subsection (3), for permits having the same expiration date, the maximum amount of increased annual renewal fees for late payments that may be assessed by the department under this section against 1 permit holder is $10,000.00.

(5) If the department has collected penalties from a permit holder under this section during the period beginning January 1, 2007 and ending on the date of the amendatory act that added this subsection and the total amount collected from that permit holder during that period exceeds $10,000.00, the excess amount for that period shall be credited against future renewal fees of the permit holder.

(6) The department shall require a transfer fee when a request is made to transfer existing permits to a new sign owner. Except as otherwise provided in this subsection, the transfer fee shall be $100.00 for each permit that is requested to be transferred, up to a maximum of $500.00 for a request that identifies 5 or more permits to be transferred. If the department incurs additional costs directly attributable to special and unique circumstances associated with the requested transfer, the department may assess a transfer fee greater than the maximums identified in this subsection to recover those costs incurred by the department.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009.

252.307a Issuance of annual permits for new signs on or after January 1, 2007; interim permit; conditions; renewable permit; size limitation on service club signs and religious organization signs.

Sec. 7a. (1) Except as otherwise provided in this section, the department shall not issue annual permits for new signs on or after January 1, 2007.

(2) Permits issued by the department before January 1, 2007 remain in force and valid.

(3) On and after January 1, 2007, the department shall issue an interim permit or permits to a holder of a valid permit or permits if all of the following conditions are met:

(a) The holder of the valid permit or permits is otherwise in compliance with this act.

(b) The holder of the permit or permits surrenders the permit or permits to the department upon the removal of a sign structure or sign structures that have a valid permit under this act.

(c) The holder of the permit or permits verifies the removal of the sign structure or sign structures in writing to the department.

(d) The department verifies that the sign structure or structures have been removed or the removal has been deemed effective under this section.

(4) An interim permit that is issued under this section shall only be utilized for the construction of a new sign structure and shall remain in effect without expiration with fees renewed on an annual basis.

(5) The department shall verify that an existing sign structure has been removed no later than 30 days after the department receives written notice from the permit holder that the sign structure has been removed. If the department does not respond to the written notice within 30 days after receipt of the written notice, then the permit holder shall be deemed to have removed the sign structure in compliance with this section.

(6) A holder of 2 valid permits for a sign structure with 2 faces who complies with this section shall receive 2 interim permits for the construction of a sign structure with 2 faces. A permit holder under this subsection shall not receive 2 interim permits to construct 2 single-face sign structures.

(7) A holder of a valid permit for a sign structure with a single face is entitled to exchange that permit under this section for an interim permit with a single face. A holder of valid permits for 2 different single-face structures may exchange the 2 permits under this section for 2 interim permits to construct 2 single-face sign structures or 2 interim permits to construct 1 sign structure with 2 faces.

(8) A holder of more than 2 valid permits for a sign structure with more than 2 faces may exchange the permits under this section for a maximum of 2 interim permits. The 2 interim permits received under this section shall only be used to construct 1 sign structure with no more than 2 faces.

(9) After construction of a sign structure under an interim permit is complete, the department shall issue renewable permits annually for the completed sign structure.

(10) If a permit holder for a sign structure that exists on January 1, 2007 requires additional permits for any reason, or if the owner of a sign that meets the requirements of section 17(9) applies for a permit before July 1, 2011, the department may issue a valid renewable permit renewable on an annual basis without complying with subsection (2) even if the permit holder has more than 2 valid permits as a result.

(11) The department may issue a permit for a new sign structure that measures no more than 8 square feet for signs in the categories of service club signs and religious organization signs.

(12) Notwithstanding anything else in this act that may be to the contrary, permits issued under subsection (11) are not eligible to be surrendered for an interim permit.

History: Add. 2006, Act 447, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2010, Act 350, Imd. Eff. Dec. 22, 2010;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011.

252.308 Repealed. 1976, Act 265, Imd. Eff. Oct. 1, 1976.

Compiler's note: The repealed section pertained to bond of permit applicant.

252.309 Permit; issuance or denial.

Sec. 9. Except for signs existing on March 31, 1972, a permit shall be issued or denied within 30 days after proper receipt of the permit form and the permit fee from the applicant. A permit shall not be issued for a sign which is prohibited by section 18(a), (b), (c), or (d). A permit shall not be issued for a sign that violates this act unless the sign is eligible for removal compensation under section 22.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.310 Permit; exemption.

Sec. 10. The owner of a sign allowed under section 13(1)(b) or (c) is not required to obtain a permit for that sign.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999.

252.311 Trimming or removing trees or shrubs within highway right-of-way; violation as felony; penalty; removal of sign.

Sec. 11. (1) Except as otherwise provided in subsection (2), a person who trims or removes trees or shrubs within a highway right-of-way for the purpose of making a proposed or existing sign more visible may pay a penalty of up to 5 times the value of the trees or shrubs trimmed or removed unless the person trimmed or removed the trees or shrubs under the authority of a permit issued under section 11a. The value of the removed trees or shrubs shall be determined by the department in accordance with section 11a(3).

(2) A person who removes trees or shrubs within a highway right-of-way for the purpose of making a proposed or existing sign more visible without first obtaining a permit under section 11a is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $25,000.00, or both. If no criminal action pursuant to this section has been brought against the person within 1 year of the removal of trees or shrubs without a permit, the department may proceed to recover the penalty prescribed in subsection (1). If a criminal action is brought against a person pursuant to this subsection, the department shall not proceed to recover the penalty prescribed in subsection (1).

(3) If a sign owner or the sign owner's agent trims or removes trees or shrubs without first having obtained a permit under section 11a, the sign owner shall not be eligible to obtain a permit under section 11a for 3 years from the date of trimming or removal of trees or shrubs.

(4) If trees or shrubs within a highway right-of-way have been trimmed or removed by a sign owner or its agent for the purpose of making the sign more visible, the sign shall be considered illegal and the department may remove the sign pursuant to the procedures established in section 19 if a court determines any of the following:

(a) The trimming or removal was in violation of a local ordinance.

(b) The trimming or removal resulted in the intentional trimming or removal of trees or shrubs that were not authorized to be trimmed or removed in a permit issued under section 11a.

(c) The sign owner trimmed or removed trees or shrubs and did not obtain a permit under section 11a.

(5) If a sign is removed under this section and the department subsequently receives an application for a permit under section 6 for the same area, the department shall consider that the conditions for the permit issued under section 6 remain in force for spacing and all other requirements of this act.

History: Add. 1998, Act 533, Eff. Apr. 1, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.311a Permit to manage vegetation.

Sec. 11a. (1) Subject to the requirements of this section, the department is authorized to and shall issue permits for the management of vegetation to the owner of a sign subject to this act.

(2) A sign owner may apply to the department for a permit to manage vegetation using the department's approved form. The application shall be accompanied by an application fee of $150.00 to cover the costs of evaluating and processing the application. The application shall be submitted during the 2 or more annual application periods not less than 60 days each, as specified by the department. The application shall clearly identify the vegetation to be managed in order to create visibility of the sign within the billboard viewing zone and all proposed mitigation for the impacts of the vegetation management undertaken. The application shall also include anticipated management that will be needed in the future to maintain the visibility of the sign

within the billboard viewing zone for the time specified in subsection (4) and procedures for clearing vegetation as determined by the department.

(3) Unless otherwise agreed to by the department and an applicant, the department shall issue its decision on an application no later than 30 days after the last day of the application period. The department shall approve the application, approve the application with modification, or deny the application. If the department approves the application or approves the application with modification, it shall notify the applicant and the notification shall include the value of the vegetation to be managed as determined by the department using the most recent version of the international society of arboriculture's guide for plant appraisal and the corresponding Michigan tree evaluation supplement to the guide for plant appraisal published by the Michigan forestry and park association. The department may use another objective authoritative guide in consultation with representatives of the outdoor advertising industry and other interested parties, if either the guide or the supplement has not been updated for more than 5 years. The department, in consultation with representatives of the outdoor advertising industry and other interested parties, may develop a value schedule for vegetation. If agreed to by both the department and the applicant, this value schedule shall be used to determine the value of the vegetation to be managed. The notification to the applicant shall also include any required mitigation for the vegetation to be managed and all conditions and requirements associated with the issuance of the permit. The permit fee shall be $300.00, except that in special and unique situations and circumstances where the department incurs additional costs directly attributable to the approval of the permit, a fee greater than $300.00 adequate for the recovery of additional costs may be assessed. Upon receipt of the permit fee, payment for the value of the vegetation, and compliance with MDOT conditions and requirements, the department shall issue the permit.

(4) Subject to the provisions of this subsection, a permit to manage vegetation shall provide for a minimum of 5 seconds of continuous, clear, and unobstructed view of the billboard face based on travel at the posted speed as measured from the point directly adjacent to the point of the billboard closest to the highway. The department and the applicant may enter into an agreement, at the request of the applicant, identifying the specific location of the continuous, clear, and unobstructed view within the billboard viewing zone. The specific location may begin at a point anywhere within the billboard viewing zone but shall result in a continuous, clear, and unobstructed view of not less than 5 seconds. An applicant shall apply for a permit that minimizes the amount of vegetation to be managed for the amount of viewing time requested. Applications for vegetation management that provide for greater than 5 seconds of continuous, clear, and unobstructed viewing at the posted speed as measured from a point directly adjacent to the point of the billboard closest to the highway shall not be rejected based solely upon the application exceeding the 5-second minimum. For billboards spaced less than 500 feet apart, vegetation management, when permitted, shall provide for a minimum of 5 seconds of continuous, clear, and unobstructed view of the billboard face based on travel at the posted speed or the distance between the billboard and the adjacent billboard, whichever is less.

(5) The department shall issue permits for vegetation management in a viewing cone or, at the department's discretion, another shape that provides for the continuous, clear, and unobstructed view of the billboard face. The department may, in its discretion, issue a permit for vegetation management outside of the billboard viewing zone.

(6) If no suitable alternative exists or the applicant is unable to provide acceptable mitigation, the department may deny an application or provide a limited permit to manage vegetation when it can be demonstrated that 1 or more of the following situations exist:

(a) The vegetation management would have an adverse impact on safety.

(b) The vegetation management would have an adverse impact on operations of the state trunk line highway.

(c) The vegetation management conflicts with federal or state law, rules, or statutory requirements.

(d) The applicant does not have the approval of the owner of the property.

(e) The vegetation to be managed was planted or permitted to be planted by the department for a specific purpose.

(f) Vegetation would be managed for a newly constructed billboard or vegetation existed that obscured the billboard or would have obscured the billboard before it was constructed. In denying an application or providing a limited permit, the department shall consider previous vegetation management that was allowed at the billboard site.

(g) The management would occur on a scenic or heritage route that was designated on or before the effective date of the amendatory act that added this section.

(h) The application is for a sign that has been found, after a hearing in accordance with section 19, not to be in compliance with this act.

(i) Other special or unique circumstances or conditions exist, including, but not limited to, adverse impact

on the environment, natural features, or adjacent property owners.

(7) If the department denies an application or issues a limited permit under this subsection, the department shall provide a specific rationale for denying an application or approving a limited permit.

(8) No later than 30 days after receiving a denial or a limited permit under subsection (6), an applicant may request the review and reconsideration of the denial or limited permit. The applicant shall submit its request in writing on a form as determined by the department. The applicant shall state the specific item or items for which review and reconsideration are being requested. An applicant who received a limited permit may manage vegetation in accordance with that permit during the review and reconsideration period.

(9) No later than 90 days after January 1, 2007, the department shall develop a procedure for review and reconsideration of applications that are denied or that result in the issuance of a limited permit. This procedure shall include at least 2 levels of review and provide for input from the applicant. The review period shall not exceed 120 days. The department shall consult with all affected and interested parties, including, but not limited to, representatives of the outdoor advertising industry, in the development of this procedure.

(10) If, after review and reconsideration as provided for in subsection (8), the applicant is denied a permit or issued a limited permit, the applicant may appeal the decision of the department to a court of competent jurisdiction.

(11) All work performed in connection with trimming, removing, or relocating vegetation shall be performed at the sign owner's expense.

(12) The department shall not plant or authorize to be planted any vegetation that obstructs, or through expected normal growth will obstruct in the future, the visibility within the billboard viewing zone of any portion of a sign face subject to this act.

(13) The department shall prepare an annual report for submission to the legislature regarding the vegetation management undertaken pursuant to this section. At a minimum, this report shall include all of the following items:

(a) The number of application periods.

(b) The number of applications submitted under this section.

(c) The number of permits approved without modifications.

(d) The number of permits approved with modifications.

(e) The number of permits denied.

(f) The number of modified or denied permits which were appealed.

(g) The number of appeals that reversed the department's decision.

(h) The number of appeals that upheld the department's decision.

(i) The number of permits approved which requested a visibility time period exceeding 5 seconds.

(j) The amount of compensation paid to the state for removed vegetation.

(k) The average number of days after the end of the application period before an applicant was sent notice that a permit was approved.

(*l*) A summary of the reasons for which the department denied or modified permits.

(m) A summary of the amount of all revenues and expenses associated with the management of the vegetation program.

(14) The report in subsection (13) shall contain a summary for the entire state and report in detail for each department region. The department shall provide the report to the legislature for review no later than 90 days following the completion of each fiscal year. The reporting deadline for the initial report is 18 months after January 1, 2007.

(15) A person who under the authority of a permit obtained under this section trims or removes more trees and shrubs than the permit authorizes is subject to 1 or more of the following penalties:

(a) For the first 3 violations during a 3-year period, a penalty of an amount up to $5,000.00 or the amount authorized as a penalty in section 11(1), whichever is greater.

(b) For the fourth violation during a 3-year period and any additional violation during that period, a penalty of an amount up to $25,000.00 or double the amount authorized as a penalty in section 11(1), whichever is greater, for each violation.

(c) For the fourth violation during a 3-year period, and any additional violation, a person is not eligible to obtain or renew a permit under this section for a period of 3 years from the date of the fourth violation.

(16) If the department alleges that a person has trimmed or removed more trees or shrubs than the permit authorizes, then the department shall notify the person of its intent to seek any 1 or more of the penalties provided in subsection (15). The notification shall be in writing and delivered via United States certified mail, and shall detail the conduct the department alleges constitutes a violation of subsection (15), shall indicate what penalties the department will be seeking under subsection (15), and shall occur within 30 days of the filing of the completion order for the trimming or removal of trees or shrubs the department alleges violated

the permit. Any allegation by the department that a person has trimmed or removed more trees or shrubs than the permit authorizes shall be subject to the appeals process contained in subsections (8), (9), and (10).

(17) As used in this act:

(a) "Billboard viewing zone" means the 1,000-foot area measured at the pavement edge of the main-traveled way closest to the billboard having as its terminus the point of the right-of-way line immediately adjacent to the billboard.

(b) "Vegetation management" means the trimming, removal, or relocation of trees, shrubs, or other plant material.

(c) "Viewing cone" means the triangular area described as the point directly below the face of the billboard closest to the roadway, the point directly below the billboard face farthest away from the roadway, a point as measured from a point directly adjacent to the part of the billboard closest to the roadway and extending back parallel to the roadway the distance that provides the view of the billboard prescribed in this section, and the triangle described by the points extending upward to the top of the billboard.

History: Add. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009.

252.312 Placing permit number on sign; violation; penalty.

Sec. 12. (1) All persons holding permits under this act, at their own expense, shall place the permit number on each sign facing erected or maintained by them within 4 months after receiving a permit for signs existing on March 31, 1972 and within 3 business days for all other signs. The numbers shall be of a size and type specified by the department and located on the lower corner thereof nearest the adjacent highway.

(2) Any person who does not display the correct permit number or who does not display any permit number on a sign as required under subsection (1) is subject to a $250.00 penalty. The department shall give a person who is not in compliance with this subsection written notice of noncompliance, and a person not in compliance with this subsection shall have 30 days to remedy the violation before any penalty is assessed. A person subject to this section may verify compliance with the department via time-dated electronic means.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.313 Signs prohibited on adjacent areas; exceptions.

Sec. 13. (1) A sign shall not be erected or maintained in an adjacent area where the facing of the sign is visible from an interstate highway, freeway, or primary highway except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules promulgated by the department relative to the lighting, size, number, and spacing thereof.

(b) Signs advertising the sale or lease of real property upon which they are located.

(c) On-premises signs.

(d) Signs located in a business area or an unzoned commercial and industrial area and that comply with sections 12, 15, 16, and 17 except that a sign not described in subdivision (a), (b), or (c) shall not be erected or maintained beyond 660 feet of the nearest edge of the right of way.

(2) If the department is authorized by law to designate scenic areas along an interstate highway, freeway, or primary highway, signs shall not be erected or maintained within areas so designated unless located within a business area or an unzoned commercial or industrial area where signs may be erected or maintained in compliance with this act.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999.

Administrative rules: R 247.701 et seq. of the Michigan Administrative Code.

252.314 Signs on land leased from state; conditions; terms; cancellation.

Sec. 14. (1) The state highway commission may lease land owned by the department along an interstate highway, freeway or primary highway in business areas or unzoned, commercial or industrial areas, to the owner or operator of any gasoline station, repair garage, restaurant, lodging facility, retail store, tourist attraction or to sports, cultural, educational, charitable, service, religious or civic organizations, for the purpose of erecting and maintaining a sign, the advertising copy of which publicizes or calls attention only to goods, services or facilities available on, or events or attractions on, the premises of the owner or operator. Signs may be permitted if all of the following conditions exist:

(a) The advertised premises of the owner or operator are located within 5 miles of the land so leased.

(b) There is no business area or unzoned commercial or industrial area available for outdoor advertising along the interstate highway, freeway or primary highway within 5 miles of the advertised premises of the owner or operator.

(c) The inability to publicize or call attention to goods, services or facilities available on, or events or attractions on, the premises of the owner or operator except by a sign erected and maintained pursuant to this section would work a financial hardship upon the owner or operator under such reasonable criteria as may be determined by the state highway commission.

(d) The leasing of such land and the erection and maintenance of such sign would not be cause for the reduction of federal aid highway funds to the state, pursuant to section 131 of title 23 of the United States code, as amended.

(2) Any signs so erected or maintained shall be subject to the provisions of sections 15, 16 and 17 and if erected or maintained by a permittee under this act, to the provisions of section 12.

(3) The leases made pursuant to this section shall be on a year to year term and shall be subject to cancellation at any time the signs erected or maintained on the leased property cease to meet the requirements of this section. The signs shall be subject to removal pursuant to section 19 upon cancellation of the lease.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972.

252.315 Size requirements and limitations.

Sec. 15. (1) All signs erected or maintained in business areas or unzoned commercial and industrial areas shall comply with the following size requirements and limitations:

(a) In counties of less than 425,000 population, signs shall not exceed 1,200 square feet in area, including border or trim but excluding ornamental base or apron, supports and other structural members.

(b) In counties having a population of 425,000 or more, signs of a size exceeding 1,200 square feet in area but not in excess of 6,500 square feet in area, including border or trim but excluding ornamental base or apron, supports and other structural members, shall be permitted if the department determines that the signs are in accord with customary usage in the area where the sign is located.

(c) For signs erected after March 23, 1999, signs on a sign structure shall not be stacked 1 on top of another. For signs erected prior to March 23, 1999, the sign or sign structure shall not be modified to provide a sign or sign structure that is stacked 1 on top of another.

(2) Maximum size limitations shall apply to each side of a sign structure. Signs may be placed back to back, side by side or in V-type or T-type construction, with not more than 2 sign displays to each side. Any such sign structure shall be considered as 1 sign for the purposes of this section.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.316 Illuminated signs.

Sec. 16. (1) A sign that is subject to this act may be illuminated so as to allow the sign to be seen and read but the illumination shall be employed in a manner that prevents beams or rays of light from being directed at any portion of the main-traveled way of the highway in a manner that interferes with safe driving.

(2) A sign containing changing illumination shall not be erected in any area except in an incorporated city or village over 35,000 in population where the department determines it is consistent with customary usage in the area. A sign permitted under section 18(f) is not a sign containing changing illumination.

(3) A sign shall not be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, device, or signal.

(4) All lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.317 Distances between signs; distance from interchange, intersection, or rest area.

Sec. 17. (1) Except as otherwise provided in subsection (9), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways a sign structure shall not be closer than 500 feet to another sign structure.

(3) The provisions of this section do not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(4) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(5) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted nor shall

measurements be made from them for purposes of determining compliance with the spacing requirements provided in this section.

(6) The spacing requirements provided in this section apply separately to each side of the highway.

(7) The spacing requirements provided in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

(8) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but which does not comply with the spacing requirements of this section after March 23, 1999, shall not be considered unlawful as that term is used in section 22.

(9) Along an interstate highway, where the interstate highway is designated by 1 letter and 3 numbers, and the interstate highway is located in a county with a population of less than 211,000 but more than 175,000 as determined by the most recent federal decennial census, an existing sign structure that was erected prior to the date of the amendatory act that added this subsection shall not be closer than 900 feet to another sign structure on the same side of the highway.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2011, Act 13, Imd. Eff. Mar. 24, 2011.

252.318 Prohibited signs or sign structures.

Sec. 18. The following signs or sign structures are prohibited:

(a) Those which purport to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device.

(b) Those which are not adequately maintained and in a good state of repair.

(c) Those which are erected or maintained upon trees or painted or drawn upon rocks or other natural resources.

(d) Those which prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting, or merging traffic.

(e) Those which are abandoned.

(f) Those that involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights. This subdivision does not apply to a sign or sign structure with static messages or images that change if the rate of change between 2 static messages or images does not exceed more than 1 change per 6 seconds, each change is complete in 1 second or less, and the sign possesses and utilizes automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet. In addition to the above requirements, signs exempted under this subdivision shall be configured to default to a static display in the event of mechanical failure.

(g) Signs found to be in violation of subdivision (f) shall be brought into compliance by the permit holder or its agent no later than 24 hours after receipt by the permit holder or its agent of an official written notice from the department. Failure to comply with this subdivision within this specified time frame shall result in a $100.00 penalty being assessed to the sign owner for each day the sign remains out of compliance. The first repeat violation of subdivision (f), for a specific sign, shall also be brought into compliance by the permit holder or its agent within 24 hours after receipt of an official written notice from the department. Failure to comply with the official written notice within the 24-hour period for the first repeat violation subjects the sign owner to a $1,000.00 penalty for each day the sign remains out of compliance. These penalties are required to be submitted to the department before the sign's permit is renewed under section 6. Second repeat violations of subdivision (f), for a specific sign, shall result in permanent removal of the variable message display device from that sign by the department or the sign owner.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009.

252.318a Billboards; advertising purchase or consumption of tobacco products prohibited; advertising sexually oriented business prohibited; violation; civil fine.

Sec. 18a. (1) Notwithstanding any other provision of this act, beginning January 1, 2000, all billboards within this state are subject to this act and shall not advertise the purchase or consumption of tobacco products.

(2) Beginning January 1, 2011, any billboard within this state that advertises a sexually oriented business shall display only words or numbers and may display the business's trademark if the trademark has been

registered under the Lanham act, 15 USC 1051 to 1141n, or under 1969 PA 242, MCL 429.31 to 429.46. The words on a billboard shall not describe or relate to a specified sexual activity or specified anatomical area. As used in this subsection:

(a) "Sexually oriented business" includes, but is not limited to, an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, sexual encounter center, or an establishment that regularly features live performances characterized by the exposure of a specific anatomical area or by a specific sexual activity or in which persons appear in a state of nudity or seminudity in the performance of their duties. However, sexually oriented business does not include a business solely because it shows, sells, or rents materials that may depict sex.

(b) "Specified anatomical area" means less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if covered.

(c) "Specified sexual activity" means the fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttocks, or female breast.

(d) "Seminudity" means a state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, or nipple and areola of the female breast.

(3) Notwithstanding any other provision of this act, a person who violates this section is responsible for a civil fine of not less than $5,000.00 or more than $10,000.00 for each day of violation. A civil fine collected under this section shall be distributed to public libraries as provided under 1964 PA 59, MCL 397.31 to 397.40.

History: Add. 1998, Act 464, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2010, Act 343, Eff. Mar. 30, 2011.

252.319 Removal of signs or sign structures; procedure.

Sec. 19. (1) Signs and their supporting structures erected or maintained in violation of this act may be removed by the department in the manner prescribed in this section.

(2) There shall be mailed to the owner of the sign by certified mail a notice that the sign or its supporting sign structure violates stated specified provisions of this act and is subject to removal. If the owner's address cannot be determined, a notice shall be posted on the sign. The posted notice shall be written on red waterproof paper stock of a size not less than 8-1/2 inches by 11 inches. The notice shall be posted in the area designated by section 12 for the placing of permit numbers, in a manner so that it is visible from the highway faced by the sign or sign structure.

(3) If the sign or sign structure is not removed or brought into compliance with this act within 60 days following the date of posting or mailing of written notice or within such further time as the department may allow in writing, the sign or sign structure shall be considered to be abandoned.

(4) The department shall conduct a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, at which it shall confirm that the sign is abandoned, that due process has been observed, and that the sign may be removed by the department without payment of compensation and at the expense of the owner. Signs or sign structures considered abandoned, and any other sign or sign structure erected or maintained in violation of this act that is not eligible for removal compensation as provided in section 22, shall be removed by the department forthwith or upon the expiration of such further time as the department allows. The department may recover as a penalty from the owner of the sign or sign structure or, if he or she cannot be found, the owner of the real property upon which the sign or sign structure is located, double the cost of removal or $500.00, whichever is greater. For frivolous hearings as determined by the administrative law judge, the department may recover as a penalty from the owner of the sign or sign structure, or, if the owner of the sign or sign structure cannot be found, the owner of the real property upon which the sign or sign structure is located, double the cost of an administrative hearing incurred by the department or $500.00, whichever is greater. Any penalty imposed under this section is subject to de novo review in circuit court.

(5) The department, its agents and employees, and any person acting under the authority of or by contract with the department may enter upon private property without liability for so doing in connection with the posting or the removal of any sign or sign structure pursuant to this act.

(6) The department may contract on a negotiated basis without competitive bidding with a permittee under this act for the removal of any sign or sign structure pursuant to this act.

(7) Any repeat violation of this act shall be considered a continuing violation of this act.

(8) A sign or sign structure erected or maintained in violation of this act is a nuisance per se. The department, before or after a hearing is conducted, may apply to the circuit court in the county in which a sign is located for an order to show cause why the use of a sign erected or maintained in violation of this act should not be enjoined pending its removal in accordance with this section.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007.

252.320 Severability.

Sec. 20. If any part of this act is found by a court to be invalid or unconstitutional, the remaining parts of this act shall not be affected but shall remain in full force and effect.

History: Add. 1998, Act 464, Eff. Mar. 23, 1999.

252.321 Penalty; misrepresentation.

Sec. 21. Except as otherwise provided in section 7, a person who erects or maintains any sign or sign structure or other object for outdoor advertising subject to the provisions of this act without complying with this act is liable for a penalty of not less than $100.00 nor more than $1,000.00 for each violation which shall be paid into the state trunk line fund. Penalties shall be sued for, by and in the name of the department and shall be recoverable with the reasonable costs thereof in the district or circuit court in the county where the person maintains his principal place of business or in the county where the signs erected or maintained without complying with this act are located. A person who falsely misrepresents information submitted in a permit form pursuant to section 6 is guilty of a misdemeanor. A sign erected or maintained under a permit falsely secured in such a manner shall be deemed to be abandoned and is not eligible for removal compensation.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009.

252.322 Removal of signs or sign structures; compensation; condition.

Sec. 22. (1) Just compensation shall be paid from the state trunk line fund upon the removal by or in behalf of the department of any sign or sign structure lawfully in existence on March 31, 1972 but which does not comply with the requirements of sections 13(1)(d), 15, 16, and 17 and any sign or sign structure lawfully erected after March 31, 1972 but which thereafter becomes unlawful because of a change in the designation of the highway or in the zoning of the area in which it is located.

(2) Each removal constitutes a taking and appropriation by the state of the following:

(a) From the owner of the sign or sign structure, all right, title and interest in and to the sign or sign structure, and the owner's leasehold related thereto.

(b) From the owner of the real property on which the sign or sign structure is located immediately prior to its removal, the right to erect and maintain signs on that property, other than those described in section 13(1)(a), (b), and (c).

(3) The compensation to be paid pursuant to this section shall be paid to the persons entitled to it upon presentation to the department of such information as the department may reasonably require.

(4) Unless a sign is exempt under section 10, its owner shall secure and shall keep in force a permit under sections 6 and 7. Compliance with this subsection is a condition for eligibility for compensation. Compensation shall not be paid for any sign, including a sign described in subsection (1), which is removed by the department because it is abandoned.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999.

252.323 Rules; hearings; review.

Sec. 23. (1) The department may promulgate and enforce rules to implement this act in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948.

(2) If a person is aggrieved by any action or inaction of the department, he may request a formal hearing on the matter involved. The hearing shall be conducted by the department in accordance with the provisions for contested cases in Act No. 306 of the Public Acts of 1969, as amended.

(3) A determination, action or inaction by the department following the hearing shall be subject to judicial review as provided in Act No. 306 of the Public Acts of 1969, as amended.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972.

Administrative rules: R 247.701 et seq. of the Michigan Administrative Code.

252.324 Repeal.

Sec. 24. Act No. 333 of the Public Acts of 1966, being sections 252.251 to 252.262 of the Compiled Laws of 1948, is repealed.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972.

252.325 Repealed. 2006, Act 448, Eff. Jan. 1, 2007.

Compiler's note: The repealed section pertained to analysis and funding of study.